

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: FEBRUARY 3, 2006

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
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TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #4: LAFCO 2989 – City of Redlands Annexation No. 81 (Continued Hearing)

INITIATED BY:

City Council Resolution, City of Redlands

RECOMMENDATION:

LAFCO staff recommends that the Commission:

1. Take the following actions with respect to environmental review:
 - a) Certify that the Initial Study and Mitigated Negative Declaration adopted by the City of Redlands for Annexation No. 81, Zone Change 391 and Tentative Tract 16402 have been independently reviewed and considered by the Commission, its staff, and Environmental Consultant;
 - b) Determine that the City's environmental assessment and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency for its consideration of LAFCO 2989;
 - c) Determine that the Commission does not intend to adopt alternatives or mitigation measures for the project; that the mitigation measures identified in the City's environmental

documents are the responsibility of the City and others, not the Commission; and

- d) Direct the Clerk to the Commission to file the Notice of Determination within five (5) days, and find that no further Department of Fish and Game filing fees are required by the Commission's approval since the City, as lead agency, has paid said fees for its environmental determinations.
2. Approve LAFCO 2989 – City of Redlands Annexation No. 81, with the following conditions:
 - a) Completion of LAFCO 2989 shall be held in abeyance, for a period not to exceed six months, to allow for the signing of an agreement between the City of Redlands and the County of San Bernardino for the continued provision of fire protection and paramedic services to the site from County Service Area 38's Station #9. Failure to submit the signed agreement within the time period specified will terminate LAFCO 2989; and,
 - b) The standard terms and conditions of approval that include the "hold harmless clause for potential litigation, continuation of fees, charges, assessments, etc.
 3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner consent and concurrent from the City of Redlands.
 4. Adopt LAFCO Resolution #2899, setting forth the Commission's findings, determinations, and conditions of approval concerning this proposal.

BACKGROUND:

This is a continued hearing on LAFCO 2989, a proposal originally initiated by City Council resolution for annexation of approximately 9.43 +/- acres. The study area is located on the south side of Madeira Avenue (existing City of Redlands boundary), and bordered by parcels lines on the remaining boundaries, in the community of Mentone. Maps of the area are included as Attachment #1.

The study area is proposed for development with a tentative tract of 27 single-family residential lots through the City's approval of Tentative Tract No. 16042. Since the property is contiguous to the City boundaries on its northern border, it must annex in order to receive the required water and sewer service to the tract pursuant to the provisions of Measure U.

At the both the October 19th and November 16th hearings, the Commission expressed its concern regarding the delivery of fire protection and law enforcement services to the tract from the City of Redlands. In response to the Commission's concerns, representatives of the County Administrative Office and the City of Redlands have met to attempt to address the issues in a contractual form. LAFCO staff participated in a meeting between the County and City staffs on January 30th where the parameters of such an agreement were discussed. The issue raised by the Commission in reference to law enforcement services was discussed at the January 30th meeting. Based upon information received from the City Police Department and the County Sheriff Department, City and County representatives determined that due to the existence of equivalent response times and the mutual aid available to the agencies, law enforcement response was not a service issue.

However, three concepts related to fire protection/paramedic services were agreed to by the participants to be memorialized in an official agreement to be presented to their respective governing bodies. Those concepts are: (1) an automatic aid agreement between the City and County would be prepared to memorialize prior verbal commitments for service; (2) the four existing LAFCO proposals for annexation to the City of Redlands, LAFCOs 2989, 2990, 3028 and 3030, will move forward under the provisions of the automatic aid agreement; and (3) future negotiations will take place regarding future financial commitments for the provision of these services and a threshold determination at which time service obligations would transition to the City of Redlands. Attached to this report is a joint letter from the City of Redlands and the County Administrative Office outlining the agreed to position (Attachment #2).

Staff is recommending that the Commission move forward on LAFCO 2989 and condition the approval of this proposal on the signing of the agreement as outlined by the concept letter submitted. The condition included in staff's recommendation indicates that the completion of LAFCO 2989 shall be held in abeyance, for a period not to exceed six months, pending the submission of a signed agreement from the respective governing bodies. Failure to provide the signed agreement within the time period will terminate the proposal.

CONCLUSION:

The staff reports for the October 19th and November 16th hearings (Attachments #3 and #4) provide the general background for LAFCO 2989, the environmental analysis and response to the concerns of the Commission. The October 11th report provides for the determinations necessary for consideration of the annexation and an outline of environment issues, all of which remain unchanged with the addition of responses to the service issues for fire protection/paramedic services and law enforcement.

LAFCO staff supports approval of LAFCO 2989 with the understanding as noted above that the agreement between the County and City must be signed by the respective governing bodies prior to completion of this application. The basis for LAFCO staff's support remains that the development anticipated for the area will benefit from the full range of municipal services, it requires the City services of water and sewer to develop at the land use intensity anticipated by both the City and County General Plan Land Use designations, and those services cannot be provided without annexation pursuant to the terms of Measure U. For the reasons outlined above and in the prior two staff reports, staff recommends conditional approval of LAFCO 2989.

KRM/mt

Attachments:

1. Vicinity Maps, Annexation Area Map and Map of Tract 16402
2. Joint Letter from the County of San Bernardino and City of Redlands
3. Staff Report Dated November 8, 2005
4. Staff Report Dated October 11, 2005
5. Draft Resolution No. 2899